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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/306,510	05/07/1999	ALEJANDRO GABRIEL SHCROTT	YO999-097	3541

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VIENNA, VA 22182-3817

EXAMINER

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/306,510

Applicant(s)

SHCROTT ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-7, 9-15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers U.S Patent 4881061 in view of Schrott et al U.S Patent 5739754 and in view of Yeadon U.S Patent 6393339 and further in view of Garber et al. U.S Patent 6232870.

Regarding claim 1, Chambers teaches a system for preventing the theft of an object (col. 3 lines 5-7), comprising;

an electronic article surveillance (EAS) device operatively attached to an object (col. 1 lines 41-42);

a security path for detection of the EAS device (col. 1 lines 46-47);

a reader operatively coupled to the security path (col. 8 lines 24-26);

a user identification card (col. 3 lines 63-64);

Chambers is however silent on teaching a smart card containing an identification profile of an authorized user and the disabling of the security gate if a person if a person entering the security

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path is authorized to remove the object and the EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz and the low frequency tag is formed of wired and strips. Schrott et al. in an art related Circuit Antitheft And Disabling Mechanism invention teaches disabling the security gate without disabling the tag device (col. 5 lines 10-15) but is also silent on teaching a smart card containing an identification profile of an authorized user and the EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1) but is also silent on teaching an EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz. Garber et al. in an art related Applications for Radio Frequency Identification System invention teaches an EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz (col. 4 lines 54-55). One skilled in the art further recognizes that tags are chosen to operate at different frequency range base of the application environment of the tag.

It would have been obvious to one of ordinary skill in the art to have a smart card containing an identification profile of an authorized user and disable the security gate if a person entering the security path is authorized to remove the object in Chambers and to have an EAS device comprises a low frequency tag having a range of 100Hz to about 1000Hz as evidenced by Schrott et al. in view of Yeadon and further in view of Garber et al. because Chambers suggests an antitheft system with the user using an identification card to gain access through a security

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gate and Yeadon teaches the use of a smart card with user identification information that enables the removal of an object from a secured area in order to provide a more secure system and Schrott et al. further teaches disabling of a security gate to allow an object to move pass the security gate without disabling the tag. Garber et al. also teaches an EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz so as to prevent the tag from been shield from detection.

Regarding claim 4, Chambers teaches an EAS system (figure 1) but is silent on teaching the EAS device comprises a radio frequency tag. Schrott et al. in an art related Circuit Antitheft And Disabling Mechanism invention teaches EAS device comprises a radio frequency tag (col. 1 lines 11-12).

It would have been obvious to one of ordinary skill in the art to have an EAS device comprising a radio frequency tag in Chambers as evidenced by Schrott et al. because Chambers suggests an EAS system and Schrott et al. teaches the use of a radio frequency tag in an EAS system and radio frequency tag are widely used for article surveillances.

Regarding claim 5, Chambers teaches the gate incorporating an interrogation zone (col. 7 lines 56-68) and identifying a user by using a card reader to read the user's identification information (col. 2 lines 27-28). The gate is therefore built integrally with the reader because the gate is operated based on the information read by the card reader.

Regarding claim 6, Chambers teaches a database including information regarding authorized user (col. 4 lines 6-8).

Regarding claim 7, Chambers teaches an alarm coupled to the security path and an EAS device activates an alarm upon passage through the security path (col. 7 line 68-col. 8 lines 1-2).

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Regarding claim 9, Chambers teaches an authorized user is allowed free passage when the user exhibit an identification card (col. 4 lines 11-16) but is silent on teaching the authorized person exhibiting a smart card. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1).

It would have been obvious to one of ordinary skill in the art for an authorized person to exhibit a smart card in Chambers as evidenced by Yeadon because Chambers suggests the use of an identification card with user identification information and Yeadon teaches an identification card in the form of a smart card with user identification information that enables the removal of an object from a secured area in order to enhance the security of the antitheft system.

Regarding claim 10, Chambers teaches a database including information regarding authorized user (col. 4 lines 6-8). A database inherently includes a storage device.

Regarding claim 11, Chambers teaches a system for preventing the theft of an object that records the time and date and user identity relating to passage through the security path (col. 4 lines 7-9).

Regarding claim 12, Chambers teaches the use of contact-less card reader such as optical scanner (col. 4 lines 8-11) but also teaches the replacement of optical card reader with other card reader that requires passing the card over the card reader (direct contact) (col. 8 lines 21-26).

Regarding claim 13, Chambers teaches an optical scanner for reading the information on the card (col. 4 lines 8-11). The card is therefore of a contact-less type.

Regarding claim 14, Chambers teaches identification card with magnetically encoded data (col. 8 lines 22-23) but is silent on teaching a smart card comprising a magnetic strip.

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Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1).

It would have been obvious to one of ordinary skill in the art to have a smart card with a magnetic strip in Chambers as evidenced by Yeadon because Chambers suggests an identification card with magnetically encoded data and Yeadon teaches the use of a smart card with user identification information that enables the removal of an object from a secured enclosed area. Smart cards further provide additional security to the antitheft system.

Regarding claim 15, Chambers teaches a system for preventing the theft of an object (col. 3 lines 5-7), comprising;

an electronic article surveillance (EAS) device operatively attached to an object (col. 1 lines 41-42);

a security path for detection of the EAS device (col. 1 lines 46-47);

a reader operatively coupled to the security path (col. 8 lines 24-26);

a user identification card (col. 3 lines 63-64);

the antitheft system of Chambers includes a terminal (400) and database (col. 4 lines 6-8).

and therefore inherently includes a computer.

Chambers is however silent on teaching a smart card containing an identification profile of an authorized user and the disabling of the security gate if a person entering the security path is authorized to remove the object and the EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz and the low frequency tag is formed of

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wired and strips. Schrott et al. in an art related Circuit Antitheft And Disabling Mechanism invention teaches disabling the security gate without disabling the tag device (col. 5 lines 10-15) but is also silent on teaching a smart card containing an identification profile of an authorized user. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1). Garber et al. in an art related Applications for Radio Frequency Identification System invention teaches an EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz (col. 4 lines 54-55) and the tag is formed from wires and strips (figure 2). One skilled in the art further recognizes that tags are chosen to operate at different frequency range base of the application environment of the tag.

It would have been obvious to one of ordinary skill in the art to have a smart card containing an identification profile of an authorized user and disable the security gate if a person entering the security path is authorized to remove the object in Chambers as evidenced by Schrott et al. and Yeadon because Chambers suggests an antitheft system with the user using an identification card to gain access through a security gate and Yeadon teaches the use of a smart card with user identification information that enables the removal of an object from a secured area in order to provide a more secure system and Schrott et al. further teaches disabling of a security gate to allow an object to move pass the security gate without disabling the tag. Garber et al. also teaches an EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz so as to prevent the tag from been shield from detection.

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Regarding claim 18, Chambers teaches an EAS system (figure 1) but is silent on teaching the EAS device comprises a radio frequency tag. Schrott et al. in an art related Circuit Antitheft And Disabling Mechanism invention teaches (col. 1 lines 11-12).

It would have been obvious to one of ordinary skill in the art to have an EAS device comprising a radio frequency tag in Chambers as evidenced by Schrott et al. because Chambers suggests an EAS system and Schrott et al. teaches the use of a radio frequency tag in an EAS system and radio frequency tag are widely used for article surveillances.

Regarding claim 19, Chambers teaches the gate incorporating an interrogation zone (col. 7 lines 56-68) and identifying a user by using a card reader to read the user's identification information (col. 2 lines 27-28). The gate is therefore built integrally with the reader because the gate is operated based on the information read by the card reader.

Regarding claim 20, Chambers teaches a database including information regarding authorized users (col. 4 lines 6-8), alarm operatively coupled to the security path whereinupon passage through the security path the EAS device activate the alarm (col. 1 lines 63-65).

Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers U.S Patent 4881061 in view of Schrott et al U.S Patent 5739754 in view of Yeadon U.S Patent 6393339 in view of Garber et al. U.S Patent 6232870 and further in view of Bacon U.S Patent 5984388.

Regarding claims 2 and 16, Chambers in view of Schrott et al. in view of Yeadon and further in view of Garber et al. is silent on the teaching of an acousto-magnetic tag. Bacon in an art related EAS tag invention teaches the use of an acousto-magnetic tag to secure an article (col. 4. line 9).

It would have been obvious to one of ordinary skill in the art to use an acousto-magnetic tag in Chambers in view of Schrott et al. in view of Yeadon as evidenced by Bacon because Chambers in view of Schrott et al. in view of Yeadon suggests the use of a magnetic type tag and an alarm sound is produce when an activated tag passes through a controlled exit. An acoustic-magnetic tag as evidenced by Bacon is a magnetic tag which give rise to an acoustic signal due to magnetic excitation. An acousto-magnetic tag is therefore compatible with Chambers in view of Schrott et al. in view of Yeadon in that the tag is excited magnetically and a sound is produce from the magnetically excitation of the tag.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers U.S Patent 4881061 in view of Schrott et al U.S Patent 5739754 in view of Yeadon U.S Patent 6393339 in view of Garber et al. U.S Patent 6232870 and further in view of Nelson, Jr. U.S Patent 6297727.

Regarding claim 8, Chambers in view of Schrott et al. in view of Yeadon and further in view of Garber et al. is silent on teaching a video receiver operatively coupled to the security path and the video receiver is activated upon interrogating the EAS device. Nelson, Jr. in an art related Transponder Identification And Record Assembly invention teaches the enhancement of

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an article surveillance system by using a video record to the transportation of an item through a security gate (col. 10 lines 18-24).

It would have been obvious to one of ordinary skill in the art to have a video receiver operatively coupled to the security path and the video receiver is activated upon interrogating the EAS device in Chambers in view of Schrott et al. in view of Yeadon and further in view of Garber et al. U.S Patent 6232870 as further evidenced by Nelson, Jr. because Chambers in view of Schrott et al. in view of Yeadon suggests a EAS system for ensuring the passage of an article through a security gate by authorize persons only and Nelson, Jr. teaches having a video receiver to record a person transporting an item without authorization through a security gate in order to have evidence of an unauthorized person transporting an object through a security gate.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-F, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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Vernal Brown
December 27, 2002



TIMOTHY EDWARDS
PRIMARY EXAMINER